

**REMARKS**

Applicants have carefully reviewed the Application in light of the Office Action transmitted February 7, 2008 ("*Office Action*"). Claims 1-29 are pending in the Application. The Examiner allows Claim 29 and rejects Claims 1-28. Applicants amend the abstract and Claim 1-28. Applicants do not enter any new matter. Applicants respectfully request reconsideration of the pending claims and favorable action in this case.

**I. Allowable Subject Matter**

Applicants thank the Examiner for the consideration and allowance of Claim 29.

**II. Rejections under 35 U.S.C. § 101**

The Examiner rejects Claims 19-27 under 35 U.S.C. § 101 as "directed to non-statutory subject matter." *Office Action*, p. 2. Although Applicants believe that all previously pending claims recite statutory subject matter under § 101, to advance this case expeditiously to issuance, Applicants amend Claims 19-27. During an interview conducted on April 30, 2008 with Kurt M. Pankratz, the Examiner indicated that the claims, as amended, would comply with the requirements of 35 U.S.C. § 101. Accordingly, Applicants respectfully request the Examiner to withdraw the rejections of Claims 19-27 under § 101 and allow these claims.

**III. Rejections under 35 U.S.C. § 102**

The Examiner rejects Claims 1-28 under 35 U.S.C. § 102(e) as anticipated by U.S. Patent Publication 2002/0124097 issued to Isely, et al. ("*Isely*"). Applicants respectfully traverse this rejection and submit that *Isely* does not describe, expressly or inherently, each and every limitation of the claims.

Consider Applicant's independent Claim 1, as amended, which recites:

A method for coordinating operation of packet-based telephony devices comprising:

discovering a plurality of packet-based telephony devices within an acoustic space;

initializing the packet-based telephony devices to participate in a communication session for the exchange of packet-based audio communications between participants of the communication session;

generating an output stream for the packet-based telephony devices comprising a plurality of packets each including digitally encoded audio from a remote participant in the communication session;

calculating a time for play out of a selected one of the packets;

providing the output stream to the packet-based telephony devices; and  
commanding each of the packet-based telephony devices to output the  
audio from the selected packet at the calculated time.

Applicants' claims, as amended, are directed to telephony devices participating in a communication session. Among other aspects, *Isely's* systems and methods for distribution of audio signals in home audio fail to describe (1) "discovering a plurality of packet-based telephony devices within an acoustic space;" and (2) "initializing the packet-based telephony devices to participate in a communication session."

**A. *Isely* fails to describe discovering a plurality of packet-based telephony devices within an acoustic space.**

Claim 1, as amended, requires "discovering a plurality of packet-based telephony devices within an acoustic space."

As teaching these claimed aspects, the *Office Action* points to *Isely*, paragraph 0037. *Office Action*, p. 3. In the cited portion, *Isely* teaches that "[e]ach of the network attached audio devices 105 is associated with a group of audio equipment 145, 150" and provides "different rooms in a residence" as an example of where respective groupings of audio equipment may be located. Para. 0037.

Applicants respectfully submit that the cited portion fails to describe discovering anything, much less "discovering a plurality of packet-based telephony devices within an acoustic space," as Claim 1 requires. Applicants' specification describes an acoustic space as "a physical zone in which sounds may be effectively transmitted by the propagation of sound waves." *Specification*, at p. 5, ll. 15-23. *Isely's* groupings of audio equipment fails to teach "discovering a plurality of packet-based telephony devices within an acoustic space," as Claim 1 requires.

Accordingly, the cited portions of *Isely* fail to describe, expressly or inherently, "discovering a plurality of packet-based telephony devices within an acoustic space," as Claim 1 requires. Independent Claims 10, 19, and 28 include limitations that, for substantially similar reasons, are not taught by *Isely*. Because *Isely* does not disclose, expressly or inherently, every element of independent Claims 10, 19, and 28, Applicants respectfully request reconsideration and allowance of Claims 10, 19, and 28 and their respective dependent claims.

**B. *Isely* fails to describe initializing the packet-based telephony devices to participate in a communication session.**

Claim 1, as amended, requires “initializing the packet-based telephony devices to participate in a communication session for the exchange of packet-based audio communications between participants of the communication session.”

As teaching these claimed aspects, the *Office Action* points to *Isely*, paragraph 0035. *Office Action*, p. 3. *Isely*, however, describes a one-way distribution of audio signals to audio equipment. *See, e.g., Isely*, Figs. 1-4 (depicting one-way distribution to speakers with one-way arrows). *Isely* fails to teach “initializing [of] the packet-based telephony devices to participate in a communication session for the exchange of packet-based audio communications between participants of the communication session,” as Claim 1 requires. Thus *Isely* fails to describe, expressly or inherently, every limitation of the claims.

Accordingly, the cited portions of *Isely* fail to describe, expressly or inherently, “initializing the packet-based telephony devices to participate in a communication session for the exchange of packet-based audio communications between participants of the communication session,” as Claim 1 requires. Independent Claims 10, 19, and 28 include limitations that, for substantially similar reasons, are not taught by *Isely*. Because *Isely* does not disclose, expressly or inherently, every element of independent Claims 10, 19, and 28, Applicants respectfully request reconsideration and allowance of Claims 10, 19, and 28 and their respective dependent claims.

**CONCLUSION**

Applicants have made an earnest attempt to place this case in condition for allowance. For the foregoing reasons and for all other reasons clear and apparent, Applicants respectfully request reconsideration and allowance of this Application.

If the Examiner feels prosecution of the present Application may be advanced by a telephone conference, Applicants invite the Examiner to contact the undersigned attorney at (214) 953-6584.

Although no fees are believed to be due, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

BAKER BOTTS L.L.P.  
Attorneys for Applicants

A handwritten signature in black ink, appearing to read 'K-Pankratz', with a long horizontal flourish extending to the right.

Kurt M. Pankratz  
Reg. No. 46,977

Date: May 7, 2008  
Customer No. **05073**